IN THE DISTRICT COURT OF GUAM TERRITORY OF GUAM MAGISTRATE CRIMINAL MINUTES

DISTRICT COURT OF GUAN
JUN 2 1 2005

MARY L.M. MORAN

CASE NO. MG-05-00007

DATE: 06/21/2005

CLERK OF COURT

HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge Law Clerk: Judith Hattori Court Reporter: Wanda Miles Courtroom Deputy: Virginia T. Kilgore Hearing Electronically Recorded: 9:06:05 - 10:36:03 CSO: B. Pereda 10:40:00 - 10:40:20; 10:55:54 - 12:00:23; 1:27:47 - 3:17:25 3:31:34 - 4:25:00; 4:35:09 - 4:36:14; 4:40:19 - 4:40:43 DEFT: HAROLD J. CRUZ ATTY: KIM SAVO (X) PRESENT () RETAINED (X) FPD () CJA APPOINTED (X) PRESENT () CUSTODY (X) BOND () P.R. **DEFT: ERNEST Q. MUNA** ATTY: MARK SMITH (X) PRESENT () CUSTODY (X) BOND () P.R. (X) PRESENT () RETAINED () FPD (X) CJA APPOINTED U.S. ATTORNEY: JOSEPH TOCK **AGENT: JUSTIN OLIVER, CO-COUNSEL U.S. PROBATION:** U.S. MARSHAL: () SWORN LANGUAGE: INTERPRETER: () PREVIOUSLY SWORN DAY NO. 1 OF TRIAL () JURY TRIAL (X) COURT TRIAL () JURY EMPANELED AND SWORN (X) OPENING STATEMENT BY THE X Plaintiff X Defense (Kim Savo) (X) WITNESSES SWORN AND EXAMINED (X) EXHIBITS MARKED AND ADMITTED SEE ATTACHED EXHIBIT AND WITNESS LIST, AO FORM 187 (and 187A, when applicable) () CLOSING ARGUMENT BY THE ____Plaintiff ____Defendant (X) TRIAL CONTINUED TO: June 22, 2005 at 9:30 A.M.) JURY CHARGED BY COURT) JURY DELIBERATE AT_____ () JURY RETURNS VERDICT AT:____) JURY VERDICT:) JURY POLLED () POLLING WAIVED () JURY DISCHARGED) COURT FINDINGS:) OTHER MATTER(s):

 END TIME: 4:40 p.m.

UNITED STATES DISTRICT COURT

DISTRICT OF	GUAM	
	GUILLI	

UNITED STATES OF AMERICA

EXHIBIT AND WITNESS LIST

V. HAROLD J. CRUZ and ERNEST Q. MUNA

Case Number: **MG-05-00007**

PRESIDING JUDGE JOAQUIN V.E. MANIBUSAN, JR.			NIBUSAI	N, JR.	PLAINTIFF'S ATTORNEY JOSEPH TOCK / JUSTIN OLIVER	DEFENDANT'S ATTORNEY KIM SAVO / MARK SMITH		
HEARING DATE (S)				<u>., </u>	COURT REPORTER	COURTROOM DEPUTY		
JUNE 21, 2005			2005		WANDA MILES	VIRGINIA T. KILGORE		
JOINT PLTF DEF. DATE DATE DATE				DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES			
110.	1,10.	1101	0112102		1121/111122	Governments Exhibits 1 through 32 ad	mitted with the exception of Exhibits 28,	
						29 and 30	•	
						Mr. Tock calls Officer Richard M. Ragadio as a witness (9:22:49)		
	1		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - Gov Property sign clos	e-up	
	2		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - w/Gov Property sign, F	Rt. 3	
	3		6/21/05	6/21/05		Photograph Rt 3 - w/Gov Property Sign R		
	4		6/21/05	6/21/05		Photograph Rt 3-3a intersection- w/Gov I		
	5		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign an	nd fence	
	6		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign ar	nd fence	
	7		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign as	nd road bend	
	28			6/21/05		Map of Northwest Field showing Route 3	and 3A	
	7		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign as	nd road bend	
	8		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Det 5 sign		
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign	on left side of road	
	10		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign		
	11		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/sign toward national wildlife refuge		
	29			6/21/05		Map of Northwest Field showing Points		
	12		6/21/05	6/21/05		Photograph Rt 3a-w/Property sign on road		
	13		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign p	ast wildlife refuge	
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left	and sign holder by truck	
	29			6/21/05		Map of Northwest Field showing Points		
	14		6/21/05	6/21/05		Photograph Rt 3a- w/outcropping on left		
	13		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign p		
	18		6/21/05	6/21/05	6/21/05	Photograph Dt 32 w/Cov Property sign past wildlife refuge Dichard Dagadio standing		
	16		6/21/05	6/21/05	6/21/05	Photograph Pt 3a, w/Gov Property sign past wildlife refuge Pichard Pagadio standing		
	17		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign p	ast wildlife refuge Log Barrier	
	21		6/21/05	6/21/05	6/21/05		ast wildlife refuge Jimmy Camacho in jungle	
	29			6/21/05		Map of Northwest Field showing Points		
	28			6/21/05		Map of Northwest Field showing Route 3	and 3A	
	29			6/21/05		Map of Northwest Field showing Points		
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck		
						Witness identifies Defendant Ernest Q. Muna (10:02:48)		
	23		6/21/05	6/21/05	6/21/05	Muna's Black flashlight		
	22		6/21/05	6/21/05		Cruz's Blue flashlight (photograph)		
	22a		6/21/00	6/21/05		Cruz's Blue flashlight (Physical evidence)		
						CX by Ms. Savo (10:13:29)		

				NIBUSA	1, JK.	JOSEPH TOCK / JUSTIN OLIVER	KIM SAVO / MARK SMITH			
HEARING DATE (S) JUNE 21, 2005				2005		COURT REPORTER WANDA MILES	COURTROOM DEPUTY VIRGINIA T. KILGORE			
	PLTF	DEF.	DATE	DATE	DATE	′	HIBITS* AND WITNESSES			
NO.	NO. NO. OFFERED IDENTIFIED ADMITTED		and it is a second of the seco							
	29				6/21/05 Map of Northwest Field showing Points 6/21/05 6/21/05 Photograph Rt 3a- w/outcropping on left and sign holder by		and gion halder by track			
	14			6/21/05	0/21/03		and sign noider by truck			
	1		6/21/06	6/21/05	6/21/05	CX by Mr. Smith (10:21:06) Photograph Rt 3 - Gov Property sign clos	10 NP			
	1		6/21/05	6/21/05		Photograph Rt 3 - Gov Property sign clos				
	11		6/21/05	6/21/05		Photograph Rt 3a - w/Gov Property sign of				
	9		6/21/05							
	11		6/21/05			Photograph Rt 3a- w/sign toward national				
	9		6/21/05			Photograph Rt 3a - w/Gov Property sign of				
	1		6/21/05			Photograph Rt 3 - Gov Property sign clos				
	9		6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign of	on left side of road			
	1		6/01/05	C/01/05	C/01/05	Re-Dx by Mr. Tock (10:56:30)	. 1.0 -: 1			
	9		6/21/05	6/21/05		Photograph Rt 3a - w/Gov Property sign of				
	14		6/21/05	6/21/05	0/21/05	Photograph Rt 3a- w/outcropping on left :	and sign noider by truck			
	9		6/21/05	6/21/05	6/21/05	Re-Cx by Ms. Savo (11:07:32)	on left side of read			
			6/21/05	6/21/05	6/21/05	Photograph Rt 3a - w/Gov Property sign of	on left side of road			
	29		C/01/05	6/21/05	C/21/05	Map of Northwest Field showing Points	1 -: 1 -11 11-			
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck				
						Re-Cx by Mr. Smith (11:10:39)	1 12 12)			
						Witness excused and subject to recall (1)				
				6/01/05		Mr. Tock calls Officer Mark J.D. Aguon as a witness (11:12:27)				
	29		6 (2.1 (2.5	6/21/05	6/24/05	Map of Northwest Field showing Points	1 1 1 1 1 1			
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left and sign holder by truck				
	30			6/21/05		Map of Northwest Field showing Apprehension Locations CX by Ms. Savo (11:35:53)				
	1		C 10.1 10.5	6/01/05	6/01/05					
	8		6/21/05	6/21/05		Photograph Rt 3a- w/Det 5 sign				
	11		6/21/05	6/21/05		Photograph Rt 3a- w/sign toward national wildlife refuge				
	12		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/Gov Property sign on road past wildlife refuge				
	1		< 10.1 to 0	< /a. 10 a	6/24/05	Cx by Mr. Smith (11:53:29)	Photograph Rt 3a- w/sign toward national wildlife refuge			
	11		6/21/05	6/21/05	6/21/05		l wildlife refuge			
						BREAK (12:00:23)				
						Trial resumes (1:27:47)				
	ļ					Re-Dx by Mr. Tock (Officer Mark J.I				
	12		6/21/05	6/21/05		Photograph Rt 3a- w/Gov Property sign o	on road past wildlife refuge			
	10		6/21/05		6/21/05	Photograph Rt 3a- w/Gov Property sign				
	16		6/21/05		6/21/05	Photograph Rt 3a- w/Gov Property sign p in jungle	oast wildlife refuge Richard Ragadio standi			
	15		6/21/05		6/21/05	Photograph Rt 3a- w/Gov Property sign p	ast wildlife refuge Richard Ragadio standi			
	1.4	ļ	6/21/05	ļ	6/21/05	at edge	and alon halden have two alo			
	14		6/21/05 6/21/05	 	6/21/05	Photograph Rt 3a- w/outcropping on left				
	18				6/21/05	jungle	t wildlife refuge Richard Ragadio standing			
	11		6/21/05	L	6/21/05					
						Re-Cx by Ms. Savo (1:34:58)				
						Re-Cx by Mr. Smith (1:36:29)				
						Witness excused and subject to recall				
						Mr. Tock calls Casey Ogden as a witne				
	28			6/21/05		Map of Northwest Field showing Route 3	and 3A			
	29			6/21/05		Map of Northwest Field showing Points				
	30			6/21/05		Map of Northwest Field showing Apprehe				
							29 and 30. No objections. GRANTED.			
						Cx by Ms. Savo (1:47:00)				
	30		6/21/05	6/21/05		Map of Northwest Field showing Apprehe	ension Locations			
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points				

PRESIDING JUDGE					PLAINTIFF'S ATTORNEY DEL ANT'S ATTORNEY				
JOAQUIN V.E. MANIBUSAN, JR.				NIBUSAI	N, JR.	JOSEPH TOCK / JUSTIN OLIVER	KIM SAVO / MARK SMITH		
HEARING DATE (S)					COURT REPORTER	COURTROOM DEPUTY			
JUNE 21, 2005			2005		WANDA MILES	VIRGINIA T. KILGORE			
	PLTF			DATE	DATE	DESCRIPTION OF EX	HIBITS* AND WITNESSES		
NO.	NO.	NO.	OFFERED	IDENTIFIED	ADMITTED	Witness excused (1:55:59)			
						Mr. Tock called Officer Roger Watson	as a witness (1.56.00)		
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points	as a witness (1.30.00)		
	29		0/21/03	0/21/03	0/21/03	Objection by Ms. Savo - hearsay			
						Rebuttal Argument by Mr. Tock			
<u> </u>	24		C/01/05	6/01/05	6/01/05	Objection Overruled	(2.04.40)		
<u> </u>	24		6/21/05			Muna's 12 Gauge Shotgun - Handed to the	ne witness (2:04:48)		
<u> </u>	27		6/21/05	6/21/05	6/21/05	Shotgun shells - Handed to the witness			
<u> </u>						End of DX (2:10:22)	- :		
						CX by Ms. Savo (2:10:28)			
						CX by Mr. Smith (2:13:13)			
						End of CX 2:22:56			
<u></u>				<u> </u>		Re-Dx by Mr. Tock (2:22:58)			
ĺ						Re-Cx by Mr. Smith (2:27:39)			
					}	Requested the Court to show witness rule	s and regulations re wildlife		
						Objection by Mr. Tock			
						Objection Overruled			
						Side Bar (2:32:36)			
						End Side Bar (2:35:50)			
				·		End of Re-Cx (2:35:57)			
						Witness Excused			
						Mr. Oliver called Officer Jimmy B. Car	macho as a witness (2:36:34)		
	32		6/21/05	6/21/05	6/21/05	Picture of Deer Carcass (1)			
	31		6/21/05	6/21/05	6/21/05	Picture of Deer Carcass (2)			
	13		6/21/05	6/21/05		Photograph Rt 3a- w/Gov Property sign p	ast wildlife refuge		
	22a		6/21/05			Cruz's Blue flashlight (physical evidence			
	22		6/21/05	6/21/05		Photograph of Blue flashlight	,		
						End of DX (2:49:48)			
						Cx by Ms. Savo (2:49:51)			
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points			
	-		0.22,00	0,21,00	0/21/00	Witness handed copy of the report written	h by him (3:01:42)		
						End of Cx (3:06:00)	1 by min (3.01.12)		
						Cx by Mr. Smith (3:06:12)			
	29		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Points			
	28		6/21/05	6/21/05		Map of Northwest Field showing Route 3	and 3A		
-	20		0/21/03	0/21/03	0/21/03	End of Cx 3:12:28	and 3/1		
<u> </u>						Re-Dx by Mr. Oliver (3:12:38)			
			6/21/05	6/21/05			ast wildlife refuge Jimmy Camacho standing		
	20		0/21/03	0/21/03	1.6//1/115	in jungle pointing	ast whethe refuge Juliny Callactic standing		
<u> </u>	-		6/21/05	6/21/05			ast wildlife refuge Jimmy Camacho in jungle		
l	21		0/21/03	0/21/03	6/21/05	pointing under log barrier	ast which the refuge Jiminy Camacho in Jungle		
<u> </u>						End of Re-Dx (3:15:11)			
									
	\vdash					Re-Cx by Ms. Savo (3:15:13)			
<u> </u>					ļ	End of Re-Cx (3:16:00)			
<u> </u>				<u> </u>	ļ	Break 3:17:25			
<u> </u>	\vdash					Trial resumes (3:31:34)			
<u> </u>					ļ	Government rested (3:31:49)			
							fotion for a judgment of acquittal based on		
						insufficient evidence			
	$oxed{oxed}$					Defendant Muna joins in the motion (3:32	2:33)		
<u> </u>						Court DENIED the motion			
						Mr. Smith - no opening statement			
						Ms. Savo calls Harold Cruz as a witnes	s (3:32:49)		

PRESIDING JUDGE JOAQUIN V.E. MANIBUSAN, JR.		PLAINTIFF'S ATTORNEY JOSEPH TOCK / JUSTIN OLIVER	DE ANT'S ATTORNEY KIM SAVO / MARK SMITH					
HEARING DATE (S)				,	COURT REPORTER	COURTROOM DEPUTY		
JUNE 21, 2005			2005		WANDA MILES	VIRGINIA T. KILGORE		
JOINT	PLTF	DEF.	DATE	DATE	DATE	DESCRIPTION OF EXHIBITS* AND WITNESSES		
NO.	NO.	NO.		IDENTIFIED	ADMITTED		HIBITS* AND WITNESSES	
			<u> </u>			Mr. Tock objected for hearsay		
			ł			Rebuttal argument		
						Objection sustained		
	29		6/21/05	6/21/05		Map of Northwest Field showing Points		
	14		6/21/05	6/21/05	6/21/05	Photograph Rt 3a- w/outcropping on left	and sign holder by truck	
						End of Dx (3:55:30)		
						Cx by Mr. Tock (3:55:55)		
	1		6/21/05	6/21/05	6/21/05	Photograph Rt 3 - Gov Property sign clos	e-up	
	5		6/21/05	6/21/05	6/21/05	Photograph Rt 3a-w/Gov Property sign as	nd fence	
	8		6/21/05	6/21/05		Photograph Rt 3a - w/Det 5 sign		
	3		6/21/05	xxxx		Photograph Rt 3 - w/Gov Property Sign R	Rt. 3	
···	11		6/21/05	XXXX		Photograph Rt 3a- w/sign toward national		
<u> </u>	14		6/21/05	xxxx		Photograph Rt 3a- w/outcropping on left		
	†					Witness excused 4:08:29	<u> </u>	
					<u> </u>	Ms. Savo calls Mr. Anthony Artero as	a witness (4:08:41)	
	28		6/21/05	6/21/05	6/21/05	Map of Northwest Field showing Route 3		
	– –		3, 21, 00	5.21,00	3,21,05	End of Dx 4:17:40		
				l · · · · · · · · · · · · · · · · · · ·		Witness Excused (4:17:49)		
						Mr. Smith calls Charles Roy Emsley as	s a witness (4:18:00)	
 -						Objection by Mr. Tock - no relevancy	, a Withess (4.10.00)	
ļ	 					Overruled		
ļ	 					Side Bar (4:22:29 - 4:24:44)		
 	┼	 		<u> </u>		Break (4:25:00)		
						Request witness be excused (4:35:09)		
						Side Bar (4:36:25)		
<u> </u>	 	 		<u> </u>	<u></u>	Court will reconvene tomorrow at 9:30) o.m. (4:40:42)	
-	<u> </u>				-	Court will reconvene tomorrow at 9:50) a.m. (4:40:45)	
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